

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL RANDOLPH,

Petitioner

V.

**JOHN E. WETZEL, Secretary,
Pennsylvania Department of
Corrections; LOUIS B. FOLINO,
Superintendent of the State
Correctional Institution at Greene;
and MARIROSA LAMAS,
Superintendent of the State
Correctional Institution at
Rockview,**

Respondents

No. 1:06-CV-0901

(Judge Conner)

THIS IS A CAPITAL CASE

ORDER

AND NOW, this 10th day of April, 2012, upon consideration of the pro se motion to appoint counsel (Doc. 51), in which petitioner seeks the withdrawal of his counsel of record and requests that the court reactivate his federal habeas petition and rule on two exhausted claims, and concluding that this matter would be better addressed in the first instance in the state courts, where new PCRA counsel has been appointed to represent petitioner as to his pro se claims, see Commonwealth v. Randolph, CP-22-CR-0001746-2002 (Pa. C. 2002) (Hoover, J.) (docket sheet available on <http://usjportal.pacourts.us>), IT IS HEREBY ORDERED THAT the motion to appoint counsel (Doc. 51) is DENIED without prejudice. FURTHER, the court will place this matter on hold pending its disposition by the Dauphin County Court of Common Pleas. If no action is taken in the Dauphin County court within 180 days of the date of this order, the court will schedule this matter for a hearing. Counsel of record for petitioner is directed to file a status report as to the

procedural posture of this matter in the Dauphin County court within 45 days of the date of this order, and every 45 days thereafter, if necessary.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge